

Kansas State Fire Marshal – Fire Prevention Division

References (s): 06-IFC/Chpt 2; K.A.R 28-4-420

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FIRE FACT 086 – SMOKING

The Kansas Indoor Clean Air Act went into effect on July 1, 2010.

Smoke is prohibited in most of the following indoor locations in Kansas:

- Public places
- Places of employment
- Restaurants
- Bars
- Within 10 ft of any doorway, open window, or air intake where smoking is prohibited

Locations that are exempt from the Indoor Clean Air Act:

- Tobacco shops
- Gaming facilities
- 20% of hotel/motel sleeping rooms
- Designated areas of private outdoor clubs
- Private homes or residences not used as a home daycare
- Designated areas of adult care homes and long-term care homes
- Class A & B clubs

The Kansas Indoor Clean Air Act is regulated by the Kansas Department of Health and Environment and is not enforced by the Kansas State Fire Marshal. However, smoking and smoking equipment does play a large part in the fire inspection process.

Even though most facilities are now required to be non-smoking, these facilities may still be forced to provide smoking receptacles for the patrons who visit their building. It is not uncommon to walk up to the main entrance of a non-smoking facility and find several cigarette butts scattered about the ground. Providing a smoking receptacle may be the only way for a facility to ensure cigarette butts are disposed of properly.

Additionally, because these facilities are providing a smoking receptacle, they must provide approved receptacles and they must ensure they are properly disposing of the ashes.

Receptacles

- Must be noncombustible
- Must be designed for use as ashtray or ash receptacle
- Ashes should never be allowed to accumulate

Ash Disposal

- Ashtrays and ash receptacles should be placed on a routine cycle for disposal
 - Ashes must never be directly disposed of in a trash container or dumpster
 - Ashes must be either drenched with water or placed in a metal container with a self-closing lid for 24hrs, before being disposed of in the trash
- *Federal healthcare facilities must use a metal container with a self-closing lid

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FEDERAL HEALTHCARE GUIDELINES

All healthcare facilities must have a written smoking policy to outline the facility specific rules and regulations regarding the use or prohibition of smoking materials and activities. This policy must be available to inspection staff for review. Individual patient medical information should not be included in this policy. However, the policy may name specific patients who are allowed or excluded from smoking.

At a minimum, the facility smoking policy must include provisions for the following:

- Locations of designated smoking areas
- Smoking is prohibited in any room, compartment, or ward where flammable liquids, combustible gases, or oxygen is used or stored
- Smoking is prohibited in hazardous areas
- No-Smoking signs shall be placed at all locations where smoking is prohibited, such as hazardous areas and oxygen areas
- Smoking is prohibited for patients classified as not responsible
- Only noncombustible ashtrays of a safe design are utilized
- Metal containers with a self-closing lid are provided for ashtray disposal

Non-Smoking Facilities & Oxygen

If the facility is a non-smoking facility, the requirement for posting non-smoking signs in all hazardous and oxygen areas is not required if the facility has a sign posted at all major entrances stating that the facility is non-smoking.

Smoking & Oxygen

There are numerous documented incidents regarding fires caused by individuals smoking while using oxygen or while in an oxygen enriched environment. It is not permissible to smoke around oxygen! This includes, but is not limited to, oxygen concentrators and having an oxygen cylinder stored on the back of a wheelchair while smoking. Residents must properly store the oxygen in a designated location safely away from the smoking area.